

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MICHAEL HAFFNER, as Trustee of the	)	
CHAUFFEURS, TEAMSTERS & HELPERS	)	
LOCAL UNION NO. 301 HEALTH &	)	
WELFARE FUND,	)	Case No. 08 C 1372
	)	
	)	Judge Coar
Plaintiff,	)	
	)	Magistrate Judge Mason
v.	)	
	)	
DUFFY TRUCKING, L.L.C.,	)	
	)	
Defendant.	)	

**PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT JUDGMENT**

Now Comes Plaintiff, Michael Haffner as trustee of the Chauffeurs, Teamsters & Helpers Local Union No. 301 Health & Welfare Fund ("Health & Welfare Fund") and files this Motion For Entry of Default Judgment and in support thereof states:

1. Plaintiff filed March 7, 2008 a complaint pursuant to the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. Section 1132(a)(3) to collect delinquent employee benefit fund contributions.
2. Summons and complaint were served March 20, 2008 upon Defendant's registered agent, Harry Stinespring, III, as more fully appears from the "Affidavit of Process Server", attached hereto as Exhibit 1.
3. Defendant was required to file an answer to the complaint, or otherwise plead, no later than April 9, 2008.

4. As of April 11, 2008, Defendant had neither answered the complaint nor filed an appropriate motion.

5. By its failure to answer the complaint or otherwise plead, Defendant is in default.

6. As more fully appears from the Declaration of Michael Haffner, attached hereto as Exhibit 2, Defendant is indebted to the Health & Welfare Fund for delinquent contributions in the amount of \$832.00 and liquidated damages of \$83.20 for the period of time from February 1, 2008 through February 29, 2008.

7. Pursuant to 29 U.S.C. Section 1132(g)(2)(B) and 26 U.S.C. Section 6621, Plaintiff is entitled, in addition to liquidated damages to, interest on the delinquent contributions at the rate of 7% per annum. Accordingly, Defendant is indebted to the Health & Welfare Fund for statutory interest in the amount of \$4.85.

8. As more fully appears from the declaration of Martin P. Barr attached hereto as Exhibit 3, Plaintiff incurred attorneys' fees of \$2,265.00 and costs of \$647.50 in bringing this action.

WHEREFORE, Plaintiff hereby requests that the Court enter an order of default and judgment:

- A. on behalf of the Health & Welfare Fund for delinquent contributions in the amount of \$832.00 and liquidated damages of \$83.20 for the period of time from February 1, 2008 through February 29, 2008;
- B. on behalf of Plaintiff for interest owed on the unpaid contributions to the Welfare Fund in the amount of \$4.85;

C. on behalf of Plaintiff for reasonable attorneys' fees of \$2,265.00 and costs of \$647.50 incurred in bringing this action; and such other and further relief as the Court may be deemed just and equitable.

Respectfully submitted,

s/ Martin P. Barr  
Martin P. Barr, attorney for Plaintiffs

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Dated: April 14, 2008